

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

COUNTRYWIDE HOME LOANS, INC./fka
COUNTRYWIDE FUNDING CORP.

COUNTRYWIDE HOME LOANS, INC.,

Movant,

V.

OFFICE OF THE UNITED STATES TRUSTEE

Respondent.

Misc. No. 07-00204-TPA
Chapter 13

Document No. _____

Related to Doc. Nos. 64 and 66

**COUNTRYWIDE HOME LOANS, INC.'S DESIGNATION
OF ITEMS TO BE INCLUDED IN THE RECORD ON
APPEAL AND STATEMENT OF ISSUES ON APPEAL**

Countrywide Home Loans, Inc. (the “Countrywide”), pursuant to Federal Rule of Bankruptcy Procedure 8006, files the following Designation of Items to be Included in the Record on Appeal and Statement of Issues on Appeal, and would respectfully show the following:

DESIGNATION OF RECORD ON APPEAL

Countrywide designates the following items from Misc. No. 07-00204-TPA to be included in the record on appeal. Copies of these items are contained in the Appendix filed herewith.

Filing Date	Docket No.
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11/05/07	1	Order
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11/05/07	2	Order
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Filing Date **Docket No.**

11/07/07	6	Notice of Examination Under Fed. R. Bankr. P 2004 and Service of Subpoena (Duces Tecum)
11/09/07	12	Countrywide Home Loans, Inc.'s Objections to Notices of Examination Under Fed. R. Bankr. P. 2004 and Subpoena (Duces Tecum)
11/09/07	13	Countrywide Home Loans, Inc.'s Motion to Quash Notices of Examination Under Fed. R. Bankr. P. 2004 and Subpoenas (Duces Tecum)
11/13/07	15	Response to Countrywide's Objection to the Notice of Examination Under Fed. R. Bankr. P. 2004 and Service of Subpoena (Duces Tecum)
11/13/07	16	Objection to Countrywide's Motion to Quash the Notices of Examination Under Fed. R. Bankr. P. 2004 and Service of Subpoena (Duces Tecum)
11/20/07	26	Order
11/28/07	29	Transcript of hearing held on November 15, 2007
12/12/07	30	Countrywide Home Loans, Inc.'s Brief in Support of Its Objections and Motion to Quash
12/28/07	31	Brief in Support of United States Trustee's: (a) Response to Objection of Countrywide Home Loans, Inc. to Notices of Examination Under Fed. R. Bankr. P. 2004; and (b) Objection to Motion of Countrywide Home Loans, Inc. to Quash Notices of Examination and Service of Subpoenas
01/07/08	34	Countrywide Home Loans, Inc.'s Reply Brief In Support of Its Objections and Motion to Quash
03/11/08	60	Certification of Transcript
03/17/08	61	Memorandum of the United States Trustee Regarding the United States Trustee's Standing to Conduct an Examination as a Party in Interest Pursuant to Fed.R.Bankr.P. 2004
03/17/08	62	Countrywide Home Loans, Inc.'s Memorandum of Law Addressing the United States Trustee's Authority Under Rule 2004
04/01/08	64	Memorandum Opinion

Filing Date **Docket No.**

04/11/08	66	Notice of Appeal
04/11/08	68	Countrywide Home Loans, Inc.'s Motion for Leave to Appeal, Filed Subject to Its Notice of Appeal
04/11/08	69	Order
04/14/08	72	Countrywide Home Loans, Inc.'s Motion for Stay Pending Appeal Pursuant to Fed. R. Bankr. P. 8005
04/14/08	73	Motion of Countrywide Home Loans, Inc. for Expedited Hearing on Its Motion for Stay Pending Appeal Pursuant to Fed. R. Bankr. P. 8005
04/15/08	74	Order
04/15/08	75	Agreed Motion For Temporary Stay Pending Appeal
04/16/08	79	Order

STATEMENT OF ISSUES ON APPEAL

Countrywide submits the following Statement of Issues to be addressed on this appeal.

- a. Whether the Bankruptcy Court has subject matter jurisdiction to authorize an examination by the United States Trustee ("UST") pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure when there is no connection between the proposed examination and any effect on a debtor's estate.
- b. Whether the Bankruptcy Court erred in holding that the UST is a "party in interest" for the purposes of Rule 2004 of the Federal Rules of Bankruptcy Procedure.
- c. Whether the Bankruptcy Court erred in holding that the UST has the power to take an examination pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure in the absence of a contested matter.
- d. Whether the Bankruptcy Court erred in finding that 11 U.S.C. § 307 does not require that there be a contested matter for the UST to appear and be heard.

Respectfully submitted,

/s/Dorothy A. Davis

Dorothy A. Davis

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Countrywide Home Loans, Inc.'s Designation of Items to be included in the Record on Appeal and Statement of Issues on Appeal was served either electronically through the CM/ECF case management system, via e-mail or via United States first-class mail, postage prepaid, to all parties entitled to notice, including the parties listed below on this 21st day of April, 2008:

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